"बिजनेस पोस्ट के अन्तर्गत डाक शुल्क के नगद भुगतान (बिना डाक टिकट) के प्रेषण हेतु अनुमत. क्रमांक जी. 2-22-छत्तीसगढ़ गजट/38 सि. से. भिलाई, दिनांक 30-5-2001."

पंजीयन क्रमांक "छत्तीसगढ़/दुर्ग/09/2012-2015."

# छत्तीसगढ़ राजपत्र

## ( असाधारण )

## प्राधिकार से प्रकाशित

क्रमांक 55 ] रायपुर, मंगलवार, दिनांक 19 फरवरी 2013—माघ 30, शक 1934

### विधि और विधायी कार्य विभाग
### मंत्रालय, महानदी भवन, नया रायपुर

रायपुर, दिनांक 19 फरवरी 2013

क्र. 1396/डी. 53/21-अ/प्रा./छ.ग./13.—भारत सरकार, विधि और न्याय मंत्रालय, विधायी विभाग के पत्र क्रमांक 2(4)/12-Leg.I/नई दिल्ली, दिनांक 31-01-2013 के अनुसरण में दि रिएडजस्टमेंट ऑफ रिप्रजेन्टेशन ऑफ शैड्यूल्ड कास्टस् एण्ड शैड्यूल्ड ट्राईब्स इन पार्लियामेन्ट्री एण्ड असेम्बली कान्स्टिट्यूवेन्सीज ऑर्डिनेन्स, 2013 (No. 2 of 2013) एतद्द्वारा सर्वसाधारण की जानकारी हेतु पुन: प्रकाशित की जाती है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
**के. एल. चरयाणी**, अतिरिक्त सचिव.

**MINISTRY OF LAW AND JUSTICE**
(Legislative Department)

*New Delhi, the 30th January, 2013/Magha* 10, 1934 *(Saka)*

## THE READJUSTMENT OF REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDINANCE, 2013
No. 2 of 2013

Promulgated by the President in the Sixty-fourth Year of the Republic of India.

An Ordinance to provide for the readjustment of seats in the House of the People and in the Legislative Assemblies of the States and for the readjustment of territorial constituencies therefor, insofar as such readjustment is necessitated by the inclusion in or exclusion from the lists of the Scheduled Castes and the Scheduled Tribes and for matters connected therewith or incidental thereto.

WHEREAS Parliament is not in Session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

**Short title and commencement.**

**1.** *(1)* This Ordinance may be called the Readjustment of Representation of Scheduled Castes and Scheduled Tribes in Parliamentary and Assembly Constituencies Ordinance, 2013.

*(2)* It shall come into force at once.

**Definitions.**

**2.** In this Ordinance, unless the context otherwise requires,—

(a) "Census Commissioner" means the Census Commissioner appointed under sub-section (1) of section 4 of the Census Act, 1948; **37 of 1948.**

(*b*) "Commission" means the Election Commission referred to in article 324 of the Constitution;

(*c*) "Delimitation Act" means the Delimitation Act, 2002; 33 of 2002

(*d*) "Delimitation Order" means the Delimitation of Parliamentary and Assembly Constituencies Order, 2008;

(*e*) "Last census" means the census held in India in 2001;

(*f*) "Scheduled Castes Orders" means the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Dadra and Nagar Haveli) Sheduled Castes Order, 1962 and the Constitution (Puducherry) Scheduled Castes Order 1964, made by the President under article 341 of the Constitution;

(*g*) "Scheduled Tribes Orders" means the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Scheduled Tribes) (Union Territories) Order, 1951, the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967 and the Constitution (Sikkim) Scheduled Tribes Order, 1978, made by the President under article 342 of the Constitution;

(*h*) "State" includes a Union territory having a Legislative Assembly but does not include the State of Jammu and Kashmir.

Estimation of population of Scheduled Castes and Scheduled Tribes.

**3.** (*1*) As soon as may be after the commencement of this Ordinance, the population as at the last census, of the Scheduled Castes or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the Census Commissioner.

(*2*) Where by reason of the amendments made in the Scheduled Castes Orders and the Scheduled Tribes Orders after the last census and upto 31st May, 2012, the population of the Scheduled Castes or the Scheduled Tribes as at the last census is varied in a State, the Census Commissioner shall ascertain or estimate as on the 1st day of March, 2001, the population of the Scheduled Castes or the Scheduled Tribes so varied, and also ascertain or estimate the proportion of such population of the Scheduled Castes or the Scheduled Tribes, respectively, to the total population of the State in the last census.

(*3*) The population figures ascertained or estimated under sub-section (*2*) shall be notified by the Census Commissioner in the Gazette of India.

(*4*) The population figures so notified shall be taken to be the relevant population figures as ascertained or estimated at the last census and shall supersede any figures previously published; and the figures so notified shall be final and shall not be called in question in any court.

Readjustment of territorial constituencies by Commission.

**4.** (*1*) After the population figures have been notified for any State under section 3, the Commission shall make such amendments as may be necessary in the Delimitation Order, having regard to the provisions of articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Ordinance, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be, to the Scheduled Tribes of that State, and the First Schedule and the Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly. 43 of 1950.

(*2*) In making any amendments in the Delimitation Order under sub-section (1), the Commission shall, as far as may be necessary, have regard to the provisions of clauses (c) and (d) of sub-section (1) of section 9 of the Delimitation Act.

(*3*) The Commission shall—

(*a*) publish its proposals for the amendments in the Gazette of India and the Official Gazette of the State concerned and also in such other manner as it thinks fit;

(*b*) specify a date on or after which such proposals will be further considered by it;

(*c*) consider all objections and suggestions which may have been received by it before the date so specified and for such consideration hold one or more public sittings at such place or places in each State as it thinks fit; and

(*d*) thereafter make necessary amendments in the Delimitation Order.

Procedure and powers of Commission.

5. (*1*) In the discharge of its functions under this Ordinance, the Commission shall determine its own procedure and shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely:— 5 of 1908.

(*a*) summoning and enforcing the attendance of witnesses;

(*b*) requiring the production of any document; and

(*c*) requisitioning any public record from any court or office.

(*2*) The Commission shall have the power to require any person to furnish any information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, any matter under the consideration of the Commission.

(*3*) The Commission shall be deemed to be a civil court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973. 2 of 1974.

*Explanation.*— For the purposes of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Commission shall be the limits of the territory of India.

Publication of amendments and their dates of operation.

6. (*1*) The Commission shall cause the amendments made by it in the Delimitation Order to be published in the Gazette of India and in the Official Gazettes of the States concerned.

(*2*) Upon publication in the Gazette of India, every such amendment shall have the force of law and shall not be called in question in any court.

(*3*) As soon as may be after such publication in the Gazette of India, every such amendment shall be laid before the House of the People and the Legislative Assembly of the State concerned.

(*4*) Subject to the provisions of sub-section (*5*), the readjustment of seats and territorial constituencies in the House of the People or in the Legislative Assembly of a State necessitated by any amendments made by the Commission in the Delimitation Order and provided for in that Order as so amended shall apply in relation to every election to the House or, as the case may be, to the Assembly, held after the publication of such amendments in the Gazette of India and shall so apply in supersession of the provisions relating to representation contained in the Representation of the People Act, 1950. 43 of 1950.

(*5*) Nothing contained in the foregoing sub-sections shall affect the representation in the House of the People or in the Legislative Assembly of a State until the disolution of the House or of the Assembly, as the case may be, existing on the date of publication of the amendments made by the Commission in the Gazette of India.

Certain other powers of Commission.

7. (*1*) The Commission may, from time to time, by notification in the Gazette of India and in the Official Gazette of the State concerned,—

(*a*) correct any printing mistake in the Delimitation Order as amended under this Ordinance, or any error occurring therein from any inadvertent slip or ommission; and

(*b*) where the boundaries or the name of any district or any territorial division mentioned in the said Order are or is altered, make such amendments as appear to it to be necessary or expendient for bringing the Order up-to-date.

(*2*) Every notification under this section shall be laid, as soon as may be after it is issued, before the House of the People and the Legislative Assembly of the State concerned.

Validation of acts done previous to the commencement of Ordinance.

8. All things done, and all steps taken, before the commencement of this Ordinance by the Census Commissioner for the ascertainment or estimation of population of the Scheduled Castes and the Scheduled Tribes, or by the Commission for the purpose of readjustment of seats and territorial constituencies shall, insofar as they are in conformity with the provisions of this Ordinance, be deemed to have been done or taken under these provisions as if such provisions were in force at the time such things were done or such steps were taken.

Power to remove difficulties.

**9.** (*1*) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty.

(*2*) Every order made under sub-section (*1*) shall be laid, as soon as may be, after it is made, before each House of Parliament.

PRANAB MUKHERJEE,
*President.*

---

P.K. MALHOTRA,
*Secy. to the Govt. of India.*

संचालक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2013.